

REMARKS

Claims 1, 3, and 5-6 are pending. By this amendment, claims 1, 3 and 5 are amended and claims 2 and 4 are canceled.

The Office Action rejects claims 1, 2, 4 and 6 under Otaka (USP 5,412,209), and rejects claims 3-6 under 35 USC 103(a) over Otaka in view of Todokoro (USP 6,084,238). These rejections are respectfully traversed.

In Otaka, a negative voltage supply power source does not apply a negative voltage to a sample, but to a second electrode (control electrode) 8. If the negative voltage is applied to the sample, secondary electrons are emitted over a detector. Accordingly, the image of the bottom surface of a contact hole cannot be observed by the detector, namely, an object of Otaka's invention cannot be attained in such configuration. In other words, Otaka fails to disclose and teach "a negative voltage applying power source applying a negative voltage to a sample" and "a detector arranged on an electron source side of a focused magnetic field of said object lens" recited in claims 1, 3 and 5.

Further, Todokoro fails to disclose and teach "a plurality of said detectors are arranged at positions in axial symmetry with respect to an optical axis of said electron beam", recited in claims 1, 3 and 5. When a plurality of detectors are arranged at positions in axial symmetry with respect to an optical axis of said electron beam in Todokoro, almost all electrons emitted in various directions from the sample are detected by the detectors. Because generation amount of the electrons emitted in a direction at a small angle with the surface of the sample (close to the sample surface) are smaller than that of the electrons emitted in a direction at a large angle (close to the optical axis), the electrons with large emission angles, which does not have the information on the irregularity of the sample

PATENT
Serial No: 10/730,106
Docket No: 01743-229

surface, may cancel the information of irregularity when the electrons are detected without the selection of the emission angles. As a result, the irregularity information cannot be provided to the sample image.

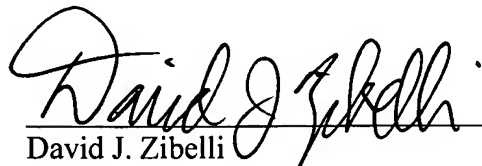
For at least the above reasons, it is submitted that claims 1, 3 and 5 are not anticipated by or obvious over the cited references, nor are the claims dependent therefrom. Withdrawal of the rejections is requested.

For at least the above reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are solicited.

The Office is authorized to charge any fees due under 37 C.F.R. §1.16 or 1.17 to Deposit Account No. 11-0600.

Should there be any questions, the Examiner is invited to contact Applicants' undersigned attorney.

Respectfully submitted,


David J. Zibelli
Registration No. 36,394

Dated: June 29, 2005

KENYON & KENYON
1500 K Street, N.W. - Suite 700
Washington, D.C. 20005-1257
Tel: (202) 220-4200
Fax: (202) 220-4201
574664 djz/kw/djz